

6. A boot having an oversized toe box as recited in claim 1 wherein the cold insulating material has a thickness of between .75 and 1.00 inches.

7. A boot having an oversized toe box as recited in claim 1 wherein an inner cold insulating layer is located within said toe box.

---

**Remarks**

1. Amended claim 1 and new claims 5 and 6 are believed to be in proper form for product claims.

2. Amended claim 1 and new claims 5 through 7 are not obvious over Krajcir et al 4,908,963. Krajcir et al '963 does not disclose a boot having an oversized toe box with an uncompressed cold insulating material located therein and it would not have been obvious to provide Krajcir et al '963 with such an oversized toe box.

With respect to claims 5 and 6, it is not apparent how the thickness of the cold insulating material recited in claims 5 and 6 can be achieved in the conventional sized toe box of Krajcir et al '963, in view of the space limitations of the conventional Krajcir et al toe box.

With respect to claim 7, Krajcir et al '963 does not disclose an inner cold insulating layer located within the toe box and it would appear that the space in the conventional sized toe box would not readily permit the inclusion of such a layer.

3. Amended claim 1 and new claims 5 through 7 are not obvious over Mitchell 2001/0007179. Mitchell '179 does not disclose a boot having an oversized toe box with an uncompressed cold insulating material located therein and it would not have been obvious to provide Mitchell 2001/0007179 with such an oversized toe box.

With respect to claims 5 and 6, it is not apparent how the thickness of the cold insulating

material recited in claims 5 and 6 can be achieved in the conventional sized toe box of Mitchell 2001/0007179, in view of the space limitations of the conventional Mitchell toe box.

With respect to claim 7, Mitchell 2001/0007179 does not disclose an inner cold insulating layer located within the toe box and it would appear that the space in the conventional sized toe box would not readily permit the inclusion of such a layer.

### Conclusion

For all the foregoing reasons, it is respectfully submitted that claims 1 and 5-7 are patentable over both Krajcir et al '963 and Mitchell '179.

Dated: July 8, 2002

Respectfully submitted,



---

Milton Wolson  
MALINA & WOLSON  
60 East 42<sup>nd</sup> Street  
New York, NY 10165  
(212) 986-7410  
Attorney for Applicant



**VERSIONS WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claim 1 has been amended as follows:

1. A boot comprising an outer layer of leather which is stretched over [a] an oversized toe box located beneath the outer layer [during the manufacture of the boot], a layer of cold insulating material secured to the inside of the toe box and an outsole, [and wherein the cold insulating material has a thickness of at least .75 inches.] and wherein said layer of cold insulating material is uncompressed.

RECEIVED  
JUL 16 2002  
TC 3700 MAIL ROOM